



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Wisnewski, Nancy  
Becher, Anna M.  
Jarvis, Eric

Serial No.: 10/065,200

Filed: September 25, 2002

Atty. File No.: FC-4-1

For: "NOVEL FLEA ECDYSONE  
NUCLEIC ACID MOLECULES  
PROTEINS AND USES THEREOF"

) Group Art Unit:

) Examiner:

RESPONSE TO  
NOTICE TO COMPLY

## CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO  
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON  
THIS 8 DAY OF NOVEMBER 2002.

HESKA CORPORATION

By: Susan A. Gordon

Susan A. Gordon

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed from the  
U.S. Patent and Trademark Office on October 4, 2002. Applicants respectfully submit the  
following documents:

- (a) a copy of the Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- (b) a paper copy and computer readable form (CRF) of the "Sequence Listing," SEQ  
ID NO:1 through SEQ ID NO:71; and
- (e) a statement that the content of the paper copy previously filed and the enclosed  
paper copy and computer readable form are the same and include no new matter.

No fees are believed to be due with this Amendment and Response; however, if fees are due, please debit Deposit Account No. 081930.

REMARKS

PatentIn 3.1 was used to prepare the attached paper copy and computer readable form of the "Sequence Listing" of SEQ ID NO:1 through SEQ ID NO:71. Applicants respectfully submit that the attached paper and computer readable form of the "Sequence Listing" are identical to the paper copy filed on September 25, 2002.

Applicants hereby assert pursuant to 37 CFR § 1.821(f) that the content of the paper copy and computer readable form of SEQ ID NO:1 through SEQ ID NO:76 submitted herewith are identical.

Respectfully submitted,

Dated: November 8, 2002

By: Timothy L. McCutcheon  
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UNITED STATES  
PATENT AND  
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Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/065,200	09/25/2002	Nancy Wisniewski	FC-4-1

CONFIRMATION NO. 8153

26949  
HESKA CORPORATION  
INTELLECTUAL PROPERTY DEPT.  
1613 PROSPECT PARKWAY  
FORT COLLINS, CO 80525

FORMALITIES LETTER



\*OC000000008905042\*

Date Mailed: 10/04/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

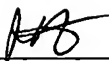
Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE